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February 27, 2020

**Via ECF**

**MEMO ENDORSED**

Honorable Ona T. Wang  
United States Magistrate Judge  
Southern District of New York  
500 Pearl Street  
New York, NY 10007

Re: *The Fashion Exchange LLC v. Hybrid Promotions, LLC*/S.D.N.Y. 14-1254

Dear Magistrate Judge Wang:

I represent Plaintiff The Fashion Exchange LLC (“Plaintiff”) in the above-referenced action. As the Court will recall, at a conference on January 21, 2020, Defendants indicated that they intended to file a motion for summary judgment on damages. At that conference, the Court asked Defendants when they wished to file their motion and Plaintiff when it wished to file its response. Defendants indicated that they would file their motion on February 28, 2020 and I indicated that I would file Plaintiff’s response on March 30, 2020. Accordingly, the Court set these dates as the parties’ respective due dates. ([ECF 366](#))

After the Court set these deadlines, however, the Ninth Circuit set a briefing schedule in another matter in which I am counsel for the appellant, *Seattle Pacific Industries, Inc. v. S3 Holding LLC*, Case No. 19-36096. Under that schedule, I am required to file the appellant’s opening brief on March 19, 2020. Consequently, I will not be able to work on Plaintiff’s response to Defendants’ motion for summary judgment in this matter until after March 19, 2020, leaving me with only ten (10) days, including weekends, to work on this brief. For this reason, I request the Court to extend the deadline for Plaintiff to file its response to Defendants’ motion for summary judgment on damages until April 13, 2020.

I have communicated with Defendants’ counsel, Mark Rosenberg, Esq., about this request and he consents to it if Plaintiff agrees not to request a further extension of the schedule and to an extension of Defendants’ briefing schedule as well. Plaintiff has agreed to this. The parties, therefore, wish the new briefing schedule to be as follows: (1) Defendants’ motion for summary judgment will be due on March 13, 2020; (2) Plaintiff’s response will be due on April 13, 2020; and (3) Defendants’ reply will be due on April 27, 2020.

Thank you for your consideration of this request.

Sincerely,

/s/ Scott Zarin

Scott Zarin, Esq.

**Application Granted.**

**SO ORDERED.**

A handwritten signature in blue ink, appearing to read 'Ona T. Wang', is written over a horizontal line.

Ona T. Wang                      2/28/2020  
U.S. Magistrate Judge

cc: Mark J. Rosenberg, Esq. (via ECF)